IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 17990 of 2007(N)

PETITIONER:

T.KRISHNANKUTTY,
CONDUCTOR GRADE II (RTD.), PUNALUR DEPOT.,
RESIDING AT THEKKADATHU VEEDU, EDAVATTOM,
VELLIMON P.O., KOLLAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN
SRI.DEEPU LAL MOHAN

RESPONDENTS:
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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF TRANSPORT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV.SRI.JOHNSON.P.JOHN, SC, KSRTC FOR R1
SR.G.P. SRI.K.J.MOHAMMED ANZAR FOR R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.17990 of 2007

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Dated this the 12th day of June, 2007

JUDGMENT

Petitioner was working as Conductor in KSRTC on provisional basis from 1979-80 and was later regularised in service as Conductor as per Ext.P1 order, this is the petitioner's case. He would further contend he is entitled to count his provisional service upto 1.10.1994 in the light of the judgment in **Idicula Abraham v. K.S.R.T.C.** (2005(2) KLJ 602), this is the case of the petitioner.

2. I heard learned counsel for the Corporation also.

There cannot be any discrimination between similarly situated persons. In such circumstances there will be a direction to the first respondent to count the provisional service rendered by the petitioner in the Corporation upto 1.10.1994 along with his regular service for the purpose of granting pensionary benefits and other eligible benefits. Appropriate orders shall be passed on the said lines within a period of two months from the date of receipt of a copy of this judgment. The arrears of pension due to the petitioner after counting

the provisional service also shall be released within a period of two months from the date of receipt of a copy of this judgment. DCRG and Commuted value of pension will be given in terms of seniority.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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